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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,988	03/22/2001	Noriko Suehiro	205040US0	2664

22850 7590 05/24/2002

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ARLINGTON, VA 22202

EXAMINER

RUDE, TIMOTHY L

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 05/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/813,988

Examiner

Timothy L Rude

Applicant(s)

SUEHIRO ET AL.

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, 10, and 15-20, drawn to an out-of-plane switched liquid crystal display (LCD) element, classified in class 349, subclass 33.
 - II. Claims 9, 11-14, and 21, drawn to methods for using an LCD element, classified in class 349, subclass 1.

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case (1), the process of using can be practiced with an in-plane switched LCD element.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Art Unit: 2871

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Group I contains claims directed to the following patentably distinct species of the claimed invention:

Species A:

Claims 2 and 3 are drawn to a LCD element wherein a chiral nematic liquid crystal material is used for the liquid crystal layer.

Species B:

Claims 15 and 16 are drawn to a LCD element wherein a antiferroelectric liquid crystal material is used for the liquid crystal layer.

If applicant elects Species A, one of the following sub-species may also be elected:

Species A1:

Claims 4 and 7 are drawn to a LCD element wherein a chiral nematic liquid crystal material is used for the liquid crystal layer, wherein at least part of the front side electrode comprises a plurality of segment electrodes, and the rear side electrode is a single common electrode arranged so as to correspond to all the segment electrodes, or

Art Unit: 2871

the rear side electrode is a plurality of common electrodes arranged so as to correspond to each plurality of segment electrodes.

Species A2:

Claims 5, 6, and 8 are drawn to a LCD element wherein a chiral nematic liquid crystal material is used for the liquid crystal layer, wherein at least a part of the front side electrode is stripe-like electrodes and at least a part of the rear electrode is stripe-like electrodes, said stripe-like electrodes of the front side electrode and the rear side electrode being arranged so as to be crossed in the substrate plane.

Claims 1 and 10 are generic to Species A1 and A2.

If applicant elects Species B, one of the following sub-species may also be elected:

Species B1:

Claims 17 and 19 are drawn to a LCD element wherein a antiferroelectric liquid crystal material is used for the liquid crystal layer, wherein at least a part of the front side electrode comprises a plurality of segment electrodes, and the rear side electrode is a common electrode arranged so as to correspond to all the segment electrodes, or the rear side electrode is a common electrode arranged so as to correspond to each plurality of segment electrodes.

Species B2:

Claims 18 and 20 are drawn to a LCD element wherein a antiferroelectric liquid crystal material is used for the liquid crystal layer, wherein at least a part of the front side electrode is stripe-like electrodes and at least a part of the rear electrode is stripe-like electrodes, said stripe-like electrodes of the front side electrode and the rear side electrode being arranged so as to be crossed in the substrate plane to effect a dot matrix display.

Claim 1 is Generic to Species B1 and B2.

Group II contains claims directed to the following patentably distinct species of the claimed invention:

Species C:

Claims 9 and 11-14 are drawn to methods for using an LCD element wherein a chiral nematic liquid crystal material is used for the liquid crystal layer.

Species D:

Claims 15 and 16 are drawn to methods for using an LCD element wherein a antiferroelectric liquid crystal material is used for the liquid crystal layer.

No claims are generic to Species C or D.

3. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (A1, A2, B1, B2, C, or D) for prosecution on the merits to which the claims shall be restricted

Art Unit: 2871

if no generic claim is finally held to be allowable. Currently, claims 1 and 10 are generic as indicated above.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L Rude whose telephone number is (703) 305-0418. The examiner can normally be reached on Monday through Thursday.

Art Unit: 2871

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L Sikes can be reached on (703) 308-4842. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.



Timothy L Rude
Examiner
Art Unit 2871

TLR
May 20, 2002



TOANTON
PRIMARY EXAMINER